

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1081

DANIEL AKIYOYOVBI OGHENOCHUKO,

Petitioner,

versus

ALBERTO R. GONZALES, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration
Appeals. (A79-429-494)

Submitted: August 31, 2005

Decided: November 1, 2005

Before NIEMEYER, WILLIAMS, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

James A. Roberts, LAW OFFICES OF JAMES A. ROBERTS, Falls Church,
Virginia, for Petitioner. Peter D. Keisler, Assistant Attorney
General, M. Jocelyn Lopez Wright, Assistant Director, Bryan S.
Beier, Office of Immigration Litigation, UNITED STATES DEPARTMENT
OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Daniel Akiyoyovbi Oghenochuko, a native and citizen of Nigeria, petitions for review of an order of the Board of Immigration Appeals ("Board") denying his motion to reconsider its denial of his motion to reopen removal proceedings.* We have reviewed the administrative record and the Board's order and find that the Board did not abuse its discretion. See INS v. Doherty, 502 U.S. 314, 323-24 (1992). Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED

*While we lack jurisdiction to review the Board's denial of Oghenochuko's motion to reopen because he did not petition for review of that order within thirty days, see 8 U.S.C. § 1252(b)(1) (2000), we find that we have jurisdiction to review the Board's order denying the motion to reconsider. See 8 U.S.C. § 1252(b)(6) (2000); Stone v. INS, 514 U.S. 386, 393 (1995) (concluding that when "amending the [Immigration and Nationality Act] Congress chose to depart from the ordinary judicial treatment of agency orders under reconsideration").